Scott. II-27—58,004—27-10-47

Food (1947) Department.

[G.O. marked in the margin issued with Govt. Memo. 31556/49-1 Food dt 11.8.49]

MS SERIES.

Passed by Sri Sastri

G.O. NO. 656

656

Dated 27. 7. 49

27-7-49

[Despatch Abstract.]

States - Sandur - Merger - The Essential Supplies (Temporary Powers) Act, 1946 and The Madras Essential Articles Control and Requisitioning (Temporary powers) Act, 1946 — Extension - Orders - Issued.

Government of Madras.
Abstract.

STATES - Sandur - Merger - Agreement of merger signed by the Raja - Instructions issued.

Public (Political) Department.

G.O.Ms.No.1145. dated the 27th April 1949.

ORDER:

The Raja of Sandur has signed the agreement of merger ceding to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Sandur State and has agreed to the transfer of the administration of the State to the Dominion Government with effect from the 1st day of April 1949. The Government of India will be issuing separately a notification under the Extra Provincial Jurisdiction Act delegating powers to this Government for the administration of the State.

2. A copy of the letter from the Government of India, Ministry of States No.1.2588-P/49 dated 20-4-49 is communicated to the Board of Revenue and the Collector of Bellary together with a copy each of the collateral letter and the agreement of merger.

p.t.o.

3..The Collector of Bellary is requested to arrange for the payment of the dues to the Raja of Sandur or members of his family and also for the payment of pension to the officers mentioned in the proceedings of the Sandur Durbar No.IX-7/48 dated 26-12-48 as modified by the Government of India.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

K.Kamunni Menon,
Chief Secretary to Government.

To the Board of Revenue (with enclosure).
" the Collector of Bellary (with enclosure).
" the Departments of theSecretariat (all sections) including Public (with enclosure.)
Copy to the Government of India, Ministry of States, New Delhi (3 copies)

/True copy/Forwarded/By order/

Superintendent.

mdk.28/4-

Copy of letter No.D.3588-P/49 dated the 20th April 1949 from the Government of India, Ministry of States, New Delhi to the Chief Secretary to the Government of Madras, Madras.

Sub: Merger of Sandur State.

...

I am directed to enclose a copy of the agreement signed by the Raja of Sandur regarding the merger of his State (together with enclosures) and a copy of the collateral letter issued to the Raja. The Government of India are issuing separately a notification delegating powers under the Extra-Provincial Jurisdiction Act to the Provincial Government for the administration of the State.

2. It will be seen from paragraph 1 (6) of the collateral letter that the Government of India have admitted the claims of the Raja and members of his family to certain amounts given as loans by them to the State out of personal funds and the amounts invested by the Raja and his family in fixed deposit in Sandur State. It is requested that arrangements may be made to pay the amounts due to the Raja Saheb or members of his family on surrender of the fixed deposit receipts and other documents in their possession. Item 3 of the schedule of loans namely Rs.33,878-0-5 should be paid after verification with reference to documents.

3. With reference to paragraph 1(5) of the collateral letter the payment of Rs.36,000/- per annum to the State Temples Funds will be continued subject to audit of the accounts by an officer on behalf of the Government of India. It is requested that an officer of the Finance Ministry of the Government of Madras may be deputed for this purpose.

4. The Government of India have also accepted certain modifications in the Pension Order No.IX-7/48 dated 26th December 1948, passed by the Raja in favour of certain State Servants of Sandur. It is requested that arrangements may kindly be made to give effect to these pensions with effect from 1st April 1949.

Yours faithfully,
(Sd.) [illegible],
Deputy Secretary to the Govt. of India.

/True copy/

Ministry of States,
New Delhi.
The 1st April 1949.

My Dear Raja Saheb,

With reference to the agreement signed by you on the 1949 ceding to the Dominion Government, full and exclusive authority, jurisdiction and powers for and in relation to the Governance of your State, I write to say that:-

(1) Your privy purse of Rs. ~~Fifty thousand~~ Ninety thousand which is provided for in the agreement signed by you is payable in perpetuity to you, your heirs and successors and will neither be increased nor reduced for any reason whatsoever. It will be free of all taxes whether imposed by the Government of any Province or by the Government of India. Till the 31st March 1949 all amounts payable under the Palace (Civil Lists) Proclamation, 1949 (III of 1948) will be paid to you from the provision made in the State budget of 1948-49. The privy purse according to this agreement will come into force with effect from the 1st April 1949.

(2) Reference to the Ruler in Articles 2,3 and 4 include the heirs and successors on the Gadi of the State. This is indeed the significance of the guarantee in Article 5 which expressly extends to succession to your personal rights, besides privileges, dignities and titles.

(3) The Ruler and his successors on the Gadi will continue to retain their hereditary distinctions, designations, titles and honours to which they were entitled prior to August 15, 1947.

(4) The accumulated balances which will be transferred along with the State, shall, as far as possible, be spent for the benefit of the people of your State.

(5) The payment of a sum of Rs.36,000 per annum to the State Temples Fund constituted by the Sandur State Temples Proclamation, 1948 (No.II of 1948) a copy of which is annexed, for the proper maintenance of the temples and institutions specified therein will be continued. The audit of the accounts of the Fund will be carried out by an officer appointed by or under the authority of the Dominion Government.

(6) The amounts given as loans to the State by you or the members of your family, out of personal funds, and the amounts invested by you (or by them) in fixed deposit in Sandur State Treasury shall be returned to the depositor or lender on production of the Fixed Deposit Receipts and other receipt issued by the Sandur State treasury. A schedule of the aforesaid amounts is annexed hereto.

(7) It is intended that permanent members of the public services of Sandur State will be continued in service on conditions as near to those on which they were serving on 29th July 1948 as changed circumstances may permit. In the event of continuance in service not being possible in any case, reasonable compensation will be paid.

(8) Pensions, compassionate allowances, and leave salaries sanctioned by competent authorities in the State before 29th July 1948 to permanent member of its public services who have retired or proceeded on leave preparatory to retirement will be continued. The pensions sanctioned in your Huzur Order of 26th December 1948 as modified by the Government of India, will take effect from 1st April 1949.

(9) The Ruler of Sandur and his successors shall have exclusive shooting rights in the following areas, Rungolla (Deogiri) Hathi Marradagolla (Ramgad) Plans no: 3 & 7.

(10) All expenses (including legal fees and travelling and other charges) incurred in connection with the negotiations and finalization of the agreement referred to in this letter, upto the date of such finalisation, shall be paid from the State funds. The salary of Rs.250/- per mensem payable to the Industrial Adviser upto 31st March 1949 shall also be paid from State funds.

(11) No enquiry shall be made nor shall any proceedings lie in any court in India against you, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by you or under your authority during the period of your administration of your State.

(12) Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the date of this agreement.

(13) Any dispute arising under this agreement shall be referred to the Government of India, whose decision shall be final.

2. The contents of this letter will be regarded as part of the merger agreement entered into by you with the Governor General of India.

Yours sincerely,

(Sd) M. K. Vellodi

Raja Srimant Yeshwantrao,
Rao Sahib, Hindu Rao Ghorpade,
Mamlukatmadar Sarpatil,
Raja of Sandur,
Sandur.

(True Copy)

AGREEMENT MADE This First day of April 1949 between the Governor-General of India and the Raja of

SANDUR STATE

WHEREAS in the best interests of the State of Sandur as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

It is hereby agreed as follows:-

ARTICLE 1

The Raja of Sandur State hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of April 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE 2

The Raja of Sandur shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Ninty thousand rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

ARTICLE 3

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State property) belonging to him on the date of this agreement, and specified in the schedule hereunto appended.

ARTICLE 4

The Raja, the Rani, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

ARTICLE 5

The Dominion Government guarantees the succession, according to law and custom, to the gadi of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mullath Kadingi Vellodi Secretary to the Government of India in the Ministry ofStates has appended his signature on behalf and with the authority of the Governor-General of India and Raja Shrimant Yeshwantarao and Rao Sahib, Hindu Rao Ghorpade, Raja of Sandur State has appended his signature on behalf of himself, his heirs and successors.

Raja of Sandur State.

Secretary to the Government of India,
Ministry of States.

Dated 1st April 1949.

Government of Madras.
Abstract.

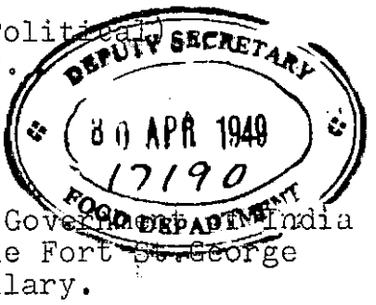
STATES - Sandur - Merger - Delegation of powers by the Government of India to the Government of Madras - Notification of the Government of India - Republished.

Public (Political) Department.

G.O.Ms.No.1161. dated the 29th April 1949.

Read the following: G.O.No.1145 Public (Political) dated 27th April 49.

...



ORDER:

The following notification of the Government of India dated 19th April 1949 is republished in the Fort St.George Gazette and in the District Gazette of Bellary.

No. 91-P.
Government of India.
Ministry of States.

Dated New Delhi, the 19th April, 1949.

NOTIFICATION.

WHEREAS the Central Government has full and exclusive extra-provincial jurisdiction for, and in relation to, the governance of the State of Sandur;

NOW, THEREFORE, in the exercise of the powers conferred by sub-section (2) of section 3 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to delegate to the Provincial Government of Madras, the extra-provincial jurisdiction aforesaid, including the power conferred by section 4 of the said Act to make orders for the exercise of that jurisdiction:

Provided that -

(1) the exercise of the jurisdiction hereby delegated shall be subject to the control of the Central Government; and

(2) the delegation shall not preclude the Central Government from exercising the jurisdiction hereby delegated.

Sd. A.B. Chatterji,
Joint Secretary.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

K.Ramunni Menon,
Chief Secretary to Government.

To the Superintendent, Government Press for republication of the notification in an extra-ordinary issue of the Fort St.George Gazette.

p.t.o.

To the Hon'ble the Chief Justice of the High Court of Judicature at Madras.

" the Board of Revenue.
" the Revenue Department.
" the Legal Department.
" the Home Department.
" all other Departments of the Secretariat.
" the Collector of Bellary.
Copy to the Director of Public Instructions.
Copy to the Government of India, Ministry of States (3 copies.)
Copy to Accountant-General, Madras.

/True copy/Forwarded/By order

mdk.29/4-

Superintendent.

Food Department (G).

Memorandum No. 17190-G/49-2 dated 16-6-49

Sub: States - Sandur - Merger - Extension of Control orders.

Ref: G.O. Ms. No. 1161, Public (Political), dated 29-4-1949.

A copy of the G.O. cited is enclosed. Consequent on the merger of State of Sandur with the Madras Province, it is necessary to extend ~~some of~~ the relevant Control Orders to the State. The Board of Revenue (Civil Supplies) is requested to state which of the Control Orders relating to the C.S. Dept now in force in this Province have to be extended to the Sandur State. The matter may be treated as very urgent.

To

The Bd. of Rev. (C.S).
(with enc).

Food Department (G).

Sub: States - Sandur - Merger - Essential Supplies (Temporary Powers) Act, 1946 and the Madras Essential Articles Control and Requisitioning (Temporary) Powers) Act, 1946 - Extension - Orders issued.
Read: G.O. Ms. No. 1161, Public (Political), dated 29-4-4

Order: No..... dated .....

The following notification will be published in the For St. George Gazette and the District Gazette of Bellary:--

Notification:

In exercise of the powers conferred by section 4 of the Extra Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India in the Ministry of States No. ~~176-IB~~ 91-P, dated the ~~23rd March, 1948~~ 19th April, 19 and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following Order, namely:--

1. The Acts mentioned in [the] Schedule A to this Order (hereinafter referred to as the said laws) and the notifications, ~~orders~~ rules [and regulations] made or issued in pursuance of powers conferred by or under the said laws as in force for the time being in the Bellary District of the Province of Madras shall, subject to the provisions of this Order, ~~shall~~ apply with effect on and from the date of publication of this notification to the State of Sandur as if it were a part of the said district.

2. The said laws shall be deemed to repeal the corresponding State laws, if any, (by whatever name called), at present in force in the said State.

3. Any Court, Tribunal or Authority may construe the provisions of the said laws and the said notifications, ~~orders~~ rules ~~[and regulations]~~ with such modifications not affecting the substance, as may be necessary or proper in order to adapt them to the matter before such Court, Tribunal or Authority.

~~The~~ Schedule A

P.T.O.

Year.	Number.	~~Short title~~
	Central Acts.	
1946.	XXIV,	The Essential Supplies (Temporary Powers) Act, 1946. (Central Act XXIV of 1946).
1948.	LXIV.	The Essential Supplies (Temporary Powers) (Amendment) Act, 1948.
1949.	XIX.	The Essential Supplies (Temporary Powers) Amendment Act, 1949.
	Madras Acts:	
1946.	XIV.	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946).

See notes

(c)

Revised 8/6/49

9-11

Address Entries Sheet Attached

Schedule B

The Madras Electricity Supply (Licensed Undertakings) (Control) Order, 1947.

The Madras Electricity Supply (Hydro Electric Systems and Hydro Power Distributing Licensees (H T) War Control) Order, 1947.

The Madras Electricity Supply (Hydro Electric Systems and Hydro Power Distributing Licensees (H T) War Control) Order, 1947.

The Order published as No. 54 (Fort St. George Gazette, dated the 25th March 1947, at page 2[illegible]

27608

Public (Miscellaneous) Departme...

U.O.NOTE NO.2819/49-1. Dated 13th July 1949.

STATES - Sandur - Merger - Extension of Acts etc.

READ AGAIN:- U.O. Note No.2905/49-2, Public (Political) Department, dated 19th May 1949.

In the U.O. Note cited, it was ordered that a consolidated notification in respect of all the Acts that are to be extended to Sandur State should be issued by each department of the Secretariat in which case, so far as the Public Department are concerned, such a consolidated notification would issue from Public (Miscellaneous) Department. As it has not been practicable to follow this procedure, it has now been decided that each section in the Public Department should itself issue notifications applying the Acts with which it is concerned to Sandur. Public (General-A), Public (S.C.), Public (General-C) and Public (Services-D) are requested to take action accordingly in the matter.

D. Jagannathan,
Assistant Secretary to Government.

To Public (General-A) Department.
" Public (S.C.) Department.

P.G.O.

To Public (General-C) Department.
" Public (Services-D) Department.
Copy to other Sections in Public.
Copy to other Departments of the Secretariat.

Forwarded / By order.

Superintendent.

GVP 13/7.

Food G

I/c DS

G I above may be perused. May be lodged and added to the main file.

SO
19/7/49

SO
19/7/49

SO
15/7/49

Food Dept. (G).

Sub: States - Sandur - Merger - The Essential Supplies (Temporary Powers) Act, 1948 and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 - Extension - Orders issued.

Read: G.O.Ms.No.1161, Public (Political), dated 29.4.49.

ORDER NO. 656 dated 27.7.49.

The following notification will be published in the Fort St. George Gazette and the District Gazette of Bellary:-

NOTIFICATION.

In exercise of the powers conferred by section 4 of the Extra Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India in the Ministry of States No.91-P, dated the 19th April, 1949, and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following Order, namely:-

1. The Acts mentioned in Schedule A to this Order (hereinafter referred to as the said laws) and the notifications, rules and orders other than the orders mentioned in Schedule B to this Order made or issued or deemed to have been made or issued in pursuance of the powers conferred by or under the said laws as in force for the time being in the Bellary district of the Province of Madras shall, subject to the provisions of this Order, apply, with effect on and from the date of publication of this notification, to the State of Sandur as if it were part of the said district.

2. The said laws shall be deemed to repeal the corresponding State laws, if any, (by whatever name called), at present in force in the said State.

3. Any Court, Tribunal or Authority may construe the provisions of the said laws and the said notifications, rules and orders with such modifications not affecting the substance, as may be necessary or proper in order to adapt them to the matter before such Court, Tribunal or Authority.

Schedule A.

The Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946).

The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946).

Schedule B.

The Madras Electricity Supply(licensed undertakings War Costs) Order,1947.

The Madras Electricity Supply (Hydro-Electric Systems and Hydro-Power Distributing licensees (H.T) War Costs) Order, 1948.
The Madras Electricity (Andhra System War Costs) Order, 1948.

The Restriction and Control Order published with Notification No. 54 (P.W. Electricity) dated 25th March 1947, at page 248 of Part I of the Fort St. George Gazette dated the 1st April 1947 as subsequently amended.

The Madras Foodgrains Procurement Order, 1947.

RO 18749.

Sec'y a/7 Dy.Sec. 28/7/49

To the Supdt., Govt. Press, for publication of the Notification.
To the Board of Rev.(C.S.) (10 copies).
To the Collector of Bellary.
To the Hon'ble the Chief Justice of the High Court of Judicature at Madras.
To the Board of Rev. (L.R.)
To the Provincial Rationing Officer, Madras
To the Chief Engineer (I.G.)
To the Chief Engineer (Electricity).
To the other Heads of Departments.
To the ~~Development~~ C.S. Department - 5 copies.
Copy to Public (Political)[6 copies]
" Public Works(Information & Publicit
" other Depts. of the Secretariat.
" the Govt. of India, Ministry of Sta (3 copies).
" " Ministry of Food(3 copie
Copy each to all sections in Food 2nd respective sections 15/8/49.

Dept to C.J. 30/7

Hon. C.J. and S.J.
29/7/49

clean copy of pp 25-26 above

Published at Page 30 of Part II of Fort St. George Gazette dt 2.8.49

GOVERNMENT OF MADRAS

***

ABSTRACT

STATES - Sandur - Merger - The Essential Supplies (Temporary Powers) Act, 1946 and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 - Extension - Orders issued.

- -

FOOD DEPARTMENT.

G.O.656 Dated 27th July 1949.

Read:-

G.O.Ms.No.1161, Public (Political) dated 29.4.49.

O R D E R:

The following notification will be published in the Fort St. George Gazette and the District Gazette of Bellary.

NOTIFICATION.

In exercise of the powers conferred by section 4 of the Extra Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India in the Ministry of States No.91-P, dated the 19th April, 1949 and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following order, namely:-

1. The Acts mentioned in Schedule A to this Order (hereinafter referred to as the said laws) and the notifications, rules and orders other than the orders mentioned in Schedule B to this Order made or issued or deemed to have been made or issued in pursuance of the powers conferred by or under the said laws as in force for the time being in the Bellary district of the Province of Madras shall, subject to the provisions of this Order, apply, with effect on and from the date of publication of this notification, to the State of Sandur as if it were part of the said district.

2. The said laws shall be deemed to repeal the corresponding State laws, if any, (by whatever name called), at present in force in the said State.

3. Any Court, Tribunal or Authority may construe the provisions of the said laws and the said notifications, rules and orders with such modifications not affecting the substance, as may be necessary or proper in order to adapt them to the matter before such Court, Tribunal or Authority.

Schedule A.

The Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946.)

The Madras Essential Articles Control & and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946.)

Schedule B.

Schedule B.

The Madras Electricity Supply (licensed undertakings War Costs) Order, 1947.

The Madras Electricity Supply (Hydro-Electric Systems and Hydro-Power Distributing licensees (H.T.) War Costs) Order, 1948.

The Madras Electricity (Andhra System War Costs) Order, 1948.

The Restriction and Control Order published with Notification No.54 (P.W.Electricity) dated 25th March 1947, at page 248 of Part I of the Fort St. George Gazette dated the 1st April 1947 as subsequently amended.

The Madras Foodgrains Procurement Order, 1947.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

M. A. KUTTALALINGAM PILLAI,
SECRETARY TO GOVERNMENT.

TO:

The Superintendent, Government Press, for publication of the Notification.
The Board of Revenue (Civil Supplies) 10 copies.
The Collector of Bellary.
The Hon'ble the Chief Justice of the High Court of Judicature at Madras.
The Board of Revenue (Land Revenue.)
The Provincial Rationing Officer, Madras.
The Chief Engineer (Irrigation and General.)
The Chief Engineer (Electricity).
The Heads of Departments.
The Public Works Department 5 copies.
The Public (Political) Department 6 copies.
The Public Works (Information and Publicity.)
The other Departments of the Secretariat.
The Government of India, Ministry of States 3 copies.
The Government of India, Ministry of Food 3 copies.
Copy each to all sections in Food Department except 'G' Section.

/ True Copy /
/ Forwarded / By Order /

CBS.27.7.49.

SUPERINTENDENT.

27/7/49

Food G

Memo No. 17190 G/49-7 dated 2.8.49

Sub: States - Sandur - Merger - Extension of Control Orders.

Ref: Govt. Memo No 17190 G/49-2 (Food) dt 16-6-49
G.O. Ms No. 656 Food dt 27.7.49

The Bd. of Rev (C.S) is informed that in view of the orders since issued in G.O.Ms No 656 Food dated 27.7.49, its reply to the memo cited need not be sent to the Govt.

To the Bd. of Rev. (CS)

SPECIAL

Memo No. 31506 G/49-1 & 11-8-49

Sub: State - Sandur - Merger - The Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946) and certain Control orders issued under the Acts - Orders issued in G.O. Ms No. 656 Food dated 27.7.49 - Cancelled.

Read again G.O. Ms No. 2504 Sub (Eb) Dept. dt 1-8-49

The orders issued in G.O. Ms No. 656 Food dated 27.7.49 extending the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946) and certain notifications, rules and orders issued under the Acts to the merged State of Sandur are hereby cancelled.

2. The following notification will be published in the Fort St. George Gazette:-

Notification.

Food Department Notification dated the 27th July 1949 published at page 730 of part II of the Fort St. George Gazette dated the 2nd August 1949 is hereby cancelled.

To the Supdt. of Govt. Press for the publication of the notification in F.S.G.G. with Bd. of Rev. (10 copies)
The Collector of Bellary.
The Hon'ble the Chief Justice of the High Court of Judicature at Madras
The Bd of Rev (L.R.)
The Provincial Rationing Officer, Kurnool

Extending certain Acts and the notifications rules and orders thereunder to the Sandur State

To the Chief Engineer (I & C)

— do — (Electricity)

X The Other Heads of Depts.

.. The P. W. Dept. (Shimla)

.. The Pub (Pol) Dept. (Shimla)

.. The P.W (I&P) Dept.

.. The other Depts of Secty.

.. The Govt of India, Ministry of States, New Delhi

.. The Govt. of India, Ministry of Food, New Delhi

Copy to all Secretaries of Govt

Dept. except Fy.

Copy to all except Secretaries

Dept of Rev

Draft

Notes

C.No.17190 G/49. Food (G)

Sub: States - Sandur - Merger - Application of Laws.

Ref: G.O.Ms.No.1145, Pub (Pol) dated 27.4.49.

G.O.Ms.No.1161, Pub.(Pol.) dated 29.4.49.

To D.S.

The Current file relates to the merger of the Sandur State with the Province of Madras. Pages 1-7 cf. relate to the agreement of the merger, etc. of Sandur State and the instructions thereon, while pages 9-10 cf. relate to the delegation of powers by the Govt. of India to the Govt. of Madras to make orders for the application of laws to Sandur and for the exercise of jurisdiction over it.

The question that arises for consideration here is, whether the relevant Acts and Control orders relating to this department should be applied to Sandur State now or whether such application could be done in due course. Pp.1-9 cf. do not contain any instructions on this point. In the case of the merger of the States of Banganapalle and Pudukottai, the Govt. of India stated that it was not desirable to assimilate the laws in force in those States with those in force in this Province immediately, but that the assimilation might be gradual. Soon after however, the Central Act XXIV of 1946 and the Madras Act XIV of 1946, with which this Dept. is concerned, and the several control orders made them were extended to these two States in view of the urgent necessity for their inclusion. In the absence of any clear instructions regarding the application of Provincial Laws to Sandur, it does not seem necessary to take any action at present, in that regard. The Pub. (Pol) may, however, see for clarification.

Form U.O. No. 17190 G/49/1 Dt. 9.5.49.

ASSISTANT SECRETARY TO GOVT. 2965 10 MAY 1949 CHIEF SECRETARIAT

Pub. (Pol) Dept.

The Sandur State has merged with

19294

17-5-49

this province from 1-4-49. Such of the provincial laws the application of which is urgent may be extended at once. and then ~~gradual~~ action may be taken for the gradual application of the other laws. The file may be returned to Food

Cell
11.5.49. A general note on this subject is being circulated to all Depts for information and guidance.

AR
12.5.49 Food.

x. in consultation with Cell.

PHC(PM)No 28654-1

Food(Supply) 12.5.49

To Secretary B above: The general note ~~Please see the note of the Public(Food) Supply from the letter etc previous Page~~ (B) above may be awaited till 26.5.49.

Tm
7/5/49 DK
17.5.49.

20d
18/5/49

25 MAY 1949

Government of Madras.

***

Extract from Public (Political) Department file No.2677/49.

20330 States - Sandur - Merger - Taking over the administration of Departments.

...

Under instructions from the Government of India this Government took over the administration of Sandur State in July 1948. From then the administration of the State is being carried on by this Government in the name and on behalf of the Ruler. All matters relating to the administration of the State were being attended to in this department.

2. Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification will be published in an extraordinary issue of the Fort St.George Gazette.

3. It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - Vide Public (Political) U.O.Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

4. As regards the extension of the laws in force in this Province to Sandur this Department have suggested in a note to be sent to Home Department that the laws in force in this Province need not be extended immediately and that pending the extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institutions. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the departments in the State and run them with reference to the State laws a formal authorisation by Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

xx xx xx

Legal Department.

A on page 2 ante: This Department agrees with the view of the Public (Political) Department expressed here.

xx xx xx

Public (Political) Department.

Proposal (i) above. Extracts of paragraphs 1 to 4 of this department's note on pp.1-2 and of Legal's note at B on page 3 above may be sent to all departments of the Secretariat (all sections) including Public for necessary action.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the department concerned and the same procedure may be followed in the case of Sandur also. Each Act may

be/...

be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately.

xx xx xx

I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts in which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected.

xx xx xx

A.R.M.
16-5-49.

I agree. The procedure suggested at A above may be followed.

C.A.V.
17-5-49.

Public (Political) Department.

J.O.Note No.2905/49-2 dated the 19th May 1949.

Communicated to the Departments of the Secretariat. for necessary action.

C.A.Vijayaraghavan,
Chief Secretary to Government.

To the Departments of Secretariat including Public (all sections.)

Forwarded/By order

Superintendent.

mdk.23/5-

Government of Madras.
Public (Political) Department.
***
U.O.Note No.2905/49-3 dated the 26th May 1949.

20909
26 MAY 1949
DEPARTMENT

States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

Ref: U.O.Note No.2905/49-2 Public (Political) dated 19-5-1949.

Extracts of notes Public (Political) Department file bearing C.No.2677/49.
...

The Departments of the Secretariat may be requested to substitute the following extracts for those communicated with the U.O. note of the same number and date as mentioned above:-

Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification has already been published in an extraordinary issue of the Fort St.George Gazette.

It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - vide Public (Political) U.O. Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take the necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

As regards the extension of the laws in force in this Province to Sandur this Department have suggested that the laws in force in this Province need not be extended immediately and that pending extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institution. Orders in this regard will be issued in Home Department, It seems that to enable our Heads of Departments to take over the administration of the Departments in the State and run them with reference to the State laws a formal authorisation by the Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

As regards the application of the laws in force in this Province, both Provincial and Central to Sandur the Departments of the Secretariat will have to take necessary action for the extension of Acts with which they are concerned, bearing in mind the general instructions issued by the Government of India in their letter No.F.41(7). IB/48 dated 25-2-48. Recently in connection with the application of these laws to Pudukkottai and Bananapalle Legal Department expressed the desirability of issuing a consolidated notification in the place of the piecemeal notifications issued by the different Departments of the Secretariat. Legal may be requested to consider the expediency of asking the different Departments to send to them in due course proposals for the extension of Acts with which they are concerned so that a consolidated notification may be issued from Legal.

Legal may see for remarks.

A.R.N.
29-4-49. Legal.

Public (Political) U.O.
No.2677/49-1 d/29-4-49.

p.t.o.

Legal Department.

B. A above: This Department agrees with the view of the Public (Political) Department expressed here.

B ibid: The notifications in respect of Pudukkottai and Banganapalle extending the Central and Provincial Acts were issued by the administrative Departments concerned and in some cases by the Public (Political) Department. Before extending the Acts to those two States, heads of departments were consulted as regards modifications to be made in those Acts. Similarly, before extending particular Acts to Sandur it may be desirable, and even necessary, to consult heads of departments concerned and make modifications, if any, that may be required in the Act. This Department may, therefore, suggest that the notifications may be prepared by the administrative departments concerned and then sent to Public (Political) for consolidation and issue. Public will no doubt refer any legal point which may arise to this Department for advice, and also send the consolidated notification for scrutiny by this Department.

(Sd.) xx A.S.I. 7/5/49. xx A.S.II. 7/5/49 xx J.S. 7/5/49 K.V.R. 7/5/49.

Public (Political)

Legal U.O.No.5634/49-1
dated 7-5-1949.

Public (Political) Deptt.

Z The proposals in this file relate to (1) the taking over the administration of Departments in Sandur by the Heads of Departments concerned and (ii) the extension of laws in force in this province to Sandur.

A.R.N. Proposal(i) above. Extracts of paras 2 to 4 of this department's note above and of Legal's note at B above may be sent to all Departments of the Secretariat (all sections) including Public for necessary action.

Proposal (ii) above. Legal suggest that this department may collect proposals from the different departments of the Secretariat for the extension of laws to Sandur and then take necessary action for issuing a consolidated notification. It is submitted that if this work is to be undertaken in Public Deptt. then an additional upper division clerk will be required to deal with the subject. As previous proposals for sanction of additional staff for Public (Political) had to be dropped due to the objection of Finance department it is for consideration whether this work may be taken up by this department and the sanction of the post of an additional upper division clerk asked for or in the alternative whether the departments of the secretariat may be asked to issue a consolidated notification in respect of all the Acts with which they are concerned.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the deptt. concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake

of/...

of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The Departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately. There will be no need for any additional staff of the above suggestion is accepted.

Legal may perhaps see again.

A.R.N.
12-5-49. C.K.V.
12-5-49. Legal.

Pub.(Poll.)U.O.No.
2905/49-1 d/12-5-49.

Legal Department.

Seen in Legal.

The difficulties and disadvantages of each Department issuing separate notifications have already been pointed out by this Department in another file. A copy of that note is placed at flag (V). This Department has no further remarks to offer.

xx xx
A.S.I. A.S.II.
13/5/49. 14-5-49.

If separate notifications are to be issued, apart from the difficulty pointed out in the note at 'V', there will also be the possibility of some of the Acts being omitted, each department thinking that it is not concerned with them, or of some of the Acts being extended by more than one department, one department not being aware of ~~this~~ the extension by the other. It is for these various reasons that this department advised the issue of a single consolidated notification.

xx xx
14/5/49.
Pub.(Poll.)

Legal U.O.No.
6036/49-1 d/14-5-49.

Public (Political)Deptt.

It appears from the Legal department note above that they reiterate their original proposal. If that is to be pursued additional staff is absolutely necessary. Public (Political) has already 4 upper division clerks and one Superintendent. If the additional upper division clerk is attached to Public (Political) the section has necessarily to be bifurcated. It is also submitted that the work in this file is not of an ordinary nature and the attention of a full time Superintendent is necessary for the subject. Submitted for orders.

A. (B)

I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected. The possibility of some of the Acts being omitted can be avoided by checking the list of Acts extended by the departments. For orders whether in the circumstances the question of issuing a consolidated notification by Public (Political) may be dropped. If, however, it is considered that Public (Political)

C.K.V.
17/5

should/...

should undertake the work, Finance may be requested to agree to the proposal to sanction the post of a Superintendent, say, for 2 months for the present.

A.R.N
16-5-49. C.S.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

/True copy/

To the Departments of the Secretariat including Public(all sections.)

mdk.26/5-

Superintendent.

[P.T.O.]

To

Secretary:

The general note referred to at 'B' on page 2 above has since been received from the Public (Political) Department, and is at pp. 5-8 above. It is seen therefrom that action will have to be taken in this department with regard to--

(i) taking over of administration of Sandur State;

(ii) the extension of laws in force in this province to Sandur.

Taking over of administration: 'C' section which has also received a copy of the Public (Political) ..O. Note at pp. 5-8 above, is taking necessary action in this regard on the lines of the memo at page 5 c.f. at flag (I) as last year in the case of merger of Pudukottai.

Extention of laws in force in this province, to Sandur: Action in this Department will have to be taken to extend the--

(i) Central and Provincial Acts; and

(ii) the Control orders issued thereunder to the Sandur State.

Central and Provincial Acts:-- This Department is concerned with the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XLV of 1946). These two Acts provide for the continuance during a limited period of powers to control the production, supply, distribution and transport of certain essential commodities, and trade and commerce therein, and requisitioning of property. This Department, as well as several other departments have issued control orders under these two Acts. In the case of Pudukottai and Banganapalle, these Acts were immediately applied to them as it was considered that such extension will be beneficial to the people of those States. Extension of these Acts to Sandur also now itself, would undoubtedly benefit the people of the State, and al

help the heads of departments in the matter of administration. It is, therefore, desirable that these two Acts should be extended to the Sandur State now. Subject to orders a draft notification based on the model notification prepared by the Legal department is submitted below for approval.

It has been provided for in the draft notification that the notification shall come into force, with effect on and from the date of its publication. This may be approved.

In sub-clause (3) of clause 1 of the Madras Act XIV of 1946 it has been provided that the Act shall come into force on the 1st day of October, 1946. Notwithstanding this provision, this Act may be applied as it is in view of the provision in the last para of the draft notification. For orders.

After the extension of the Central Act XXIV of 1946 and the Madras Act XIV of 1946 to Sandur is ordered, action has to be taken to extend the several control orders issued under these Acts relating to this department. In the first instance the Board may be requested to say urgently which of the Control Orders at present in force in this province need be extended to Sandur.' After the receipt of the Board's reply on the point, relevent extracts will be given to sections for examining the Board's proposals, and extending the control orders relating to them to the Sandur State. A draft Memo. to the Board is submitted below for approval.

After orders are passed the file may be sent to legal through Pub(Bdl) sqtt for sending the draft notification.

M above: A.S.II has already ordered that a Consolidated notification may issue from 'G' in regard to the Control Orders in this Department which are considered necessary to be extended to Sandur State. In this connection it has been decided to extend the Kerosene Control Order 1947 to the state and the intention is that 'G' will consolidate all the orders also. ~~Pending decision on this point whether sections will issue other Consolidated notifications separately or 'G' will do so Consolidate,~~ It seems desirable to get the Board's remarks on the matter in the first instance as proposed.

Food U.O.No. 17710 C/49-3 17.6.49

CHIEF SECRETARIAT 17 JUN 1949 3686

Public (Political) Deptt.

Note of the Food department para 9 ante and the draft order below may be perused. In the preamble, reference has been made to the Ministry of States' Notification No. 176-I B, dated the 23rd March 1948. This is not correct. In the Ministry's Notification No. 91-P d 19/4/49, the Central Govt. have (K) delegated powers to the Provincial Govt. under the Extra-Provincial Jurisdiction Act, 1947 in respect of the administration of the merged State of Sandur. Accordingly the necessary alterations have been indicated in pencil.

The file may be passed on to Legal.

20/6/49 Cee 20.6.49 21/6/49

Legal DEPARTMENT.

Pub (Pol) u.o.no (S) + (R) 3696/49-1 d 21/6/49 (D)

ASSISTANT SECRETARY 7757 21 JUN 1949 3.20 P.M. LEGAL DEPARTMENT

1. As Central Acts LXIV of 1948 and XIX of 1949 merely amend the parent Act, namely, Central Act XXIV of 1946, it is not necessary to include the first two Acts in the draft notification.

2. There is no power to issue regulations either under Madras Act XIV of 1946 or Central Act XXIV of 1946 and consequently the reference to regulations in paragraphs 1 and 3 of the draft notification should be omitted.

3. The reference to orders in paragraph 1 of the draft will have the effect of automatically extending to the Sandur State, all Control Orders issued under the two Acts. It is however seen from the note of Food Department at K on p.10 ante that it is not the intention to extend to the State these Control Orders. Apparently the intention is to see which control Orders should be extended to the State. Food may therefore consider whether paragraph 1 of the draft notification may not be modified so as to exclude the control Orders. If this is accepted, Food Dept. may specify the sections of the Acts, the Orders issued under which should be excluded.

Subject to the above remarks, the alterations indicated in red ink on the draft notification may be made.

22/6/49 Food.

Legal. u.o.No. 7757/49-1
22.6.49

Food (G) Department

To Secretary.

Please see the notes of the Public (Political) and the Legal Department at pages 11-12 above. The following remarks seem called for:--

A on page 11 above:-- The alterations made by the Public (Political) Department in the draft notification have since been inked and may be accepted.

Yes may 27/6 Inf.

B on page 11 above:- The alterations indicated by Legal in red ink in paras 1 and 3 of the draft notification may be accepted.

Yes may 27/6 Inf.

Para 3 on page 11above:-This Department proposed to extend the Central Act XXIV of 1946, and the Madras Act XIV of 1946, to the Sandur State and leave it to the Departments of the Secretariat to extend the control orders issued by them under the above Acts, following up the analogy of the action taken in regard to the extention of the Acts to Pudukottai and Banganapalle at first, and the Control Orders issued thereunder subsequently. Such a course enabled the Departments of the Secretariat to examine the question as to which of the Control Orders should be extended to the merged states and what modifications, if any, should be made in them for the purpose. However, it is considered desirable to extend both the Acts and the Control Orders issued thereunder simultaneously, the Orders in para 1 of the draft notification below will have the effect of automatically extending to the Sandur State, all Control Orders under the two Acts, as is pointed out by Legal. In that case, only some difficulty, may perhaps arise in regard to the application of particular dates etc. w.r.t. particular

K para 10 above
(1)
Cf. notes on pages 9-10 above
(2)

Para 3(a), page 11.

Control orders. Notwithstanding such ~~in~~-difficulty, if all the Control Orders could be applied simultaneously, and if there is no legal objection to it, it seems worthwhile issuing a general enabling notification, such as that submitted below. It is, therefore, for consideration whether:

A

(i) the Acts as well as the Control Orders issued thereunder may be extended simultaneously, and if so, whether the draft notification below may be considered adequate for the purpose;

or

(ii) whether the Acts may be extended first, and the control orders issued thereunder applied later, by the respective Departments concerned, and if so, whether the draft notification may be recast as follows, specifying the sections of the Acts, so as to exclude the Orders issued under them, with reference to 'C' on p. 11 above:

"The Acts mentioned in the Schedule to this Order (hereinafter referred to as the said laws) and the notifications, orders and rules made or issued in pursuance of the powers conferred by or under the said laws as in force, excepting those issued under sub-sections (1), (2) and (3) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, and section 3 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 for the time being in fc in the Bellary district of the Province of Madras shall, subject to the provisions of this Order, apply, with effect on and from the date of publication of this notification, to the State of Sandur as if it were part of the said district".

p- 2/C

pp 3-4/C

After orders are passed, ~~fx~~ the file may be sent to the Development P.W. Home, Firka Development Public (Political) and Legal Departments for remarks.

Thro' Superintendents

A 25/6

25/6

26/6

P. N. Pillai

25-6-41

D.S. Legislation (Legal) is concerned with the following rules.

1. The Madras Foodgrains Dealing & Control Procurement Order
2. Foodgrains Requisitioning Order
3. The Madras Foodgrains Price Control Order

There seems to be no objection to extend these control orders simultaneously with the Essential Supplies (temporary Powers Act (which is the parent Act)

'A' on p. 13 above may be approved.

27/6/49

27.6.49

27/6/49

A.S.T./D.C./Secy./ 27/6/49

27/6/49

27/6/49

Dy (J)

Dy P.L. Home Def Cab (Coll) Legal.

(X above)

This Dept is concerned with the following control orders

~~Ford No. 17190 Gh 9-4~~ 7.6.49.

GOVERNMENT OF INDIA 9 JUN 1949 EXT

67649 (a) (J) 28-6-49

1) Iron and Steel (control of Production and Distribution ~~Act~~ order), 1941. (Notification No 315 dated 26.7.41 of the late Dept of Supply GoI) p2 (W)

2) Iron and Steel (Scrap control) Order, 1943 (Notifn. No 221 dated 25.2.43 of the late Dept of Supply, GoI. p2 (W)

(These may be extended to Sandur from 1.4.49. p2 (W)

3) The Madras oil cake (Movement control) order 1943. — (under Act XIV of 46) p3 (W)

4) The Madras Manure Dealers Licensing order 1947. (under Act XIV of 46) p3 (W)

5) Paper control (Prices of Board) Order, 1946. p4 (W)

6) Paper (Prices of Imported paper) control order, 1946. p4 (W)

7) Paper control (Distribution) order, 1944. p4 (W)

8) Paper control (Economy) order, 1945 p4 (W)

9) Paper control (Production) order, 1945 p4 (W)

10) Paper Price control order, 1945. p4 (W)

[Items 5) to 10) issued under late Defence of India rules and in force under sec 17 of Act XIV of 46]

(11) Madras cinchona Products Sales order, 1945

(12) Madras cinchona Bark control order, 1945

(13) Madras cinchona Plantation Order, 1945

(14) Madras cinchona Products control order, 1945

[These orders are in force under section 9 of the Madras Essential Articles control and Requisitioning (Temp. Powers) Act, 1946]

central orders

(15) The Factories (control of dismantling) order, 1946

(16) The cotton cloth and yarn (Transmission by Post Prohibition) Order, 1946.

(17) The cotton Textiles (control of Movement) order, 1948

(18) The cotton Textiles (control) order, 1948

(19) The cotton Textiles (Export control) order, 1949.

(20) The Govt contracts (Disposal of cotton Textiles unused material and Rejected Stores) order, 1949.

Provl orders.

(21) The Madras cloth (Dealers) control order, 1948

(22) The Madras yarn (Dealers) control order, 1948

(23) The Madras Cotton (control) order, 1949.

(24) The Madras cotton licensing order, 1949.

There is no objection to extend the above orders to Sandur State simultaneously with the extension of the Parent Act. (Act XIV of 1946)

With these remarks this file may

may be passed on to P.W.D.

30-6-49

30-6-49

AS I / AS II / AS III / AS IV / AS VI / DS / S

P.W.D

Dem. U.O
67649(a)(3)/49-1

P.W.(E)

Please see Food Deptl. note at p. 12-14 ante.

This file relates to the application of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, (Madras Act XIV of 1946) and also the Restriction and Control orders issued under the above Acts, to the merged State of Saurashtra ~~at the same time~~. As far as Elecy is concerned the following orders have been issued under the provisions of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act. 1946, and they will have to be applied to the merged State of Saurashtra.

A & B at p. 13 ante

(i) The Madras Elecy Supply (Licensed Undertakings War Costs) Order, 1947, issued vide G.O. No. 850 P.W. dt 24-3-47.

(ii) The Madras Elecy Supply (Hydro Electric Systems and Hydro Power Distributing Licensees (H-T) War Costs and Andhra System War Costs order 1948, issued vide G.O. No: 4667 P.W. dt 2-12-48.

(iii) Restrictions and control orders of Govt of India issued vide G.O. No. 85-2 P.W. dt 25-3-47, as subsequently amended.

A The above orders relating to Electricity have reference to Indian Elecy. Act 1910, in their context. These can be applied to the Sandur State only after the I.E. Act 1910, is applied to that State. As Electricity is a concurrent subject action is being taken in this Dept. (separately) to extend the I.E. Act 1910 along with other Acts in accordance to the Sandur State in accordance with the instructions issued in Pub (Pol) G.O. Note No. 2905/49-3 dt 26-5-49. (With this information the file may be passed on to Home) In view of this, A on p.13 ante suggested by Food may not be feasible so far as Control orders (issued under Madras Act XIV of 1946) in respect of Elecy are Concerned.

Through B

HOME DEPARTMENT.

The notes of the Food Department at pp.12-14 ante may be perused. With reference to 'X' on p.14 ante, it is submitted that this Dept. is concerned with the following three Control Orders:-

(1) Motor Spirit Rationing Order, 1941.
(2) The Commercially Imported Transport Motor Vehicles Control Order, 1945, and
(3) The Madras Civil Motor Cars Control Order, 1947

Item 1 is kept alive under Central Act XXIV/46 and item 2 under Madras Act XIV/46. Item 3 was issued under the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946). There does not seem any objection to extend the above orders to Sandur State simultaneously with the extension of the

B

P.W.-G.O. No. 1972-E/49-1

8.7.49

ASSISTANT SECRETARY TO GOVERNMENT
8 JUL 1949
HOME DEPARTMENT

62491 B
9.7.49

Acts (Madras Act XIV of 1946 and Central Act XXIV /46).

With these remarks the file may be passed on to Firka Development Department.

9/7/49 v.B. 9.7.49

9.7.49

The "B"

9/7/49

SPECIAL OFFICER FOR LAND
9 - JUL 1949
FIRKA DEVELOPMENT DEPT.

Forwarded. F. D VI Standing No. 62491 B/49-1

9.7.49

Food Dept's notes on pp. 12-14 ante and the draft notification below may be perused. With reference to 'A' and 'X' on pp. 13 and 14 ante respectively, it is submitted that this Dept is concerned with the Madras Kharif (Dev) Order 1949, which was issued under powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act 1946 (Central Act XXIV of 1946). Submitted that there does not seem any objection to extend the Madras Kharif (Dev) Order 1949 to Sandur State simultaneously with the extension of the parent Act (Central Act XXIV of 1946).

With these remarks, the file may be passed on to Pub(Pol) Dept.

B05502 A VI/49
11.7.49

The F D VII
11/7/49

11.7.49 | P.F.D.O. | 12.7.49 | Pub (Pol)

11.7.49

Pub (Pol)

Public (Political) Department

F. D. No No. 30502/A VI/49-1

The notes of Ford, Dev, P.W, Home and Firka Dev from p. 12 ante may be perused. X on page 14 ante may be agreed to. The file may be passed on to Legal.

15/7/49

Legal

ASSISTANT SECRETARY
15 JUL 1949
4.16 PM
LEGAL DEPARTMENT

15/7/49

Cert 15-7-49

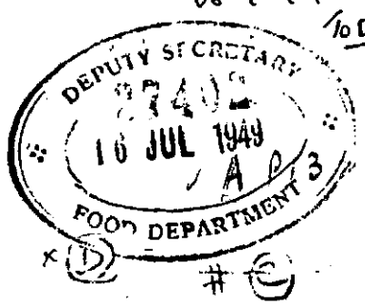
42431/49-1
15.7.49

LEGAL DEPARTMENT.

A on p.13 ante has been accepted by Home, Firka, Development and Public (Political) Departments but P.W. consider that it will not be possible to extend certain Orders issued under Madras Act XIV of 1946 along with that Act. Paragraph 1 of the draft notification may therefore be altered as indicated in blue pencil.

16/7/49 Food Gn

Legal u.o.no 9010/49-1
16.7.49



Food Dept.(G).

The proposal in this file is to extend the Central Act XXIV of 1946 and the Madras Act XIV of 1946 as well as the Control Orders, etc. issued by the Departments of the Secretariat under these Acts to the Sandur State simultaneously in one consolidated Notification. The proposal has been accepted by the Development, Home, Firka Development and Public (Political) Depts. P.W. however consider that it will not be possible to extend certain orders issued by them under the Madras Act XIV of 1946 along with that Act. Legal Dept. have therefore suitably altered in blue pencil, paragraphs 1 and 3 of the draft Notification at pp. 19-20 c.f. A clean copy of the draft Notification as altered by Legal is submitted below for approval. P.W. may see it before issue.

Through Superintendents
A, C, D, F, and N.
19.7.49 19.7.49 18/7/49 18/7/49

As II / As I / DS / S / P.W.

The Madras Foodgrains Procurement Order 1947. Though this order has been extended to the whole of the Province of Madras, it has been

brought into force only in Malabar Dt by the notification issued under cl 1(3) of the Order. As procurement in Sandur State will be done under the Madras Foodgrains Intensive Procurement Order, 1949 proposed to be extended now to the ~~State~~ Sandur State there seems no real necessity to extend the Madras Foodgrains Procurement Order, 1947. This may ∴ be excluded from the purview of the notification proposed to be issued. Subject to orders, relevant entries have been made in the Schedule B of the draft notification put up below.

21/7/49 M 21.7.49

21.7.49. 22/7/49 22/7/49 25/7/49 Secy/P.W

For WORD. 27196 G/49-6

P.W (E)

25/7/49

[This Dept. last noted at pp. 16-17 ante.]

Further notes of the Food Dept at pp. 19-20 above and the draft order below may be perused and the file may be returned to Food Dept.

25/7/49 26.7.49 Asst/Food 26/7/49

26/7/49.

To Ds.

The draft order below may now issue.

For orders.

27/7/49 Sec 27/7/49

27.7.49

ASSISTANT SECRETARY TO GOVERNMENT E 25 JUL 1949 2163 PUBLIC WORKS DEPARTMENT

Through P.W 26.7.49.

(The notification is in Conf. No.)

Food G. 26.7.49

(Cno. 29153G/49) 26/7/49

P.W. No. 110-2163-E/49-1

26.7.49

pp 25-26 · Issued as GO no 656 Food & 27-7-49

To DS

The G.O. at pp 19-20 Cf. relating to the extension of the Central Act XXIV of 1946 and the Madras Act XIV of 1946 and the notifications rules and orders issued under them to the Saurashtra except those mentioned in Schedule B thereof p 36 Cf. to the Saurashtra State has been issued. In view of this, the Bd's reply to the memo at p 11 Cf. need not be awaited and the Bd. may, be informed accordingly suitably. Subject to orders a draft memo is submitted below for approval

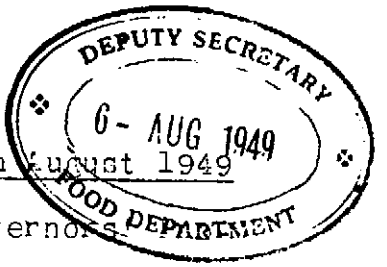
DB
28/9/49
T. Asst

Sd/-
S.E.(C)

p 23 Cf | Issued as Memo no. 17190 G/49 — 792 Draft

-31506

GOVERNMENT OF MADRAS
Legal Department



U.O. Note No.9963/49-1 dated the 5th August 1949

States - Merger - The States' Merger (Governors' Provinces) Order, 1949 - Effect of.

— — —

The attention of the Departments of the Secretariat is invited to the States' Merger (Governors' Provinces) Order, 1949, made by the Governor-General under section 290-A of the Government of India Act, 1935, for the administration of the merged States together with the adjoining Governors' Provinces, published at pages 1317 to 1324 of the Gazette of India, Extraordinary, dated the 27th July 1949, and republished in Part III-B of the Fort St. George Gazette Extraordinary dated the 1st August 1949. Under the proviso to paragraph 4 of that Order, no orders shall be made under the Extra-Provincial Jurisdiction Act, 1947, by any authority on or after the appointed day, viz., the 1st August 1949, in relation to the governance of any of the merged States. Consequently, no order can be issued now under that Act. It is observed that some orders under that Act have been published in the Fort St. George Gazette,

dated the 2nd August 1949. These orders will not be valid, and may be specifically cancelled so that no misapprehension may arise. | 2

K.V.Rajeswaran,
Secretary to Government.

To the Departments of the Secretariat (all sections)
(other than Legal)

Forwarded/By order

SUPERINTENDENT.

CAS 31506 G/49

10DS

Legal

Food G.

Please see the ~~Rob (RD)~~ dept. u.o. note at pp 1-2 above. We have issued an order in G.O. No. 656 Food dt 27.7.49 under the Extra-Provincial Jurisdiction Act, 1947 extending the Central Act XXIV of 1946 and the Madras Act XIV of 1946 as well as certain notifications and orders issued thereunder to the Sandwiches State. This order was published in the Fort St. George Gazette dt 2.8.49. As the notification was published after 1-8-49, it appears that it will have to be cancelled with reference to the suggestion of Legal at 'Z' on p 2 above. Subject to orders, a draft memo is submitted below for approval. (For precedent please see the notification issued by the E & P H Dept. in Memo No 59 547/49-1 F.I. P.H dt 4.8.49). Legal may see for, if any remarks, scrutiny of the draft notification.

10/8/49

10/8/49

10/8/49

Food (G) No 31506 G/49-1

10.8.49

LEGAL DEPARTMENT.

The alterations indicated in red ink on the draft notification may be made.

10/8/49

Food (G)

ASSISTANT SECRETARY 10168 10 AUG 1949 LEGAL DEPARTMENT

Legal u.o.No. 10168/49-1

A.S

DEPUTY SECRETARY 11 AUG 1949 FOOD DEPARTMENT

The draft notification, as altered by Legal, may now issue.

11.8.49.

11/8/49

S(q.i)

32.129

Seen

16/8/49

P I F

(Issued as Memo No. 31506-G/49-1 dt 11-8-49.)

To DS

Food & Agri. G

Now that we have cancelled the notification extending the Central Act XXIV of 1946 and the Madras Act XIV of 1946 and certain notifications rules etc under these two Acts to the Sandur State, the position now is as if the Acts etc had not been applied at all. After 1.8.49 only Provincial Legislature can legislate in respect of Sandur and ~~other~~ States, an Ordinance ~~and~~ ~~an~~ Act will have to be issued. As there may be other Acts also which may have to be similarly extended to the Sandur State, and as coordinated action in this behalf is necessary, Pub (Pol) may be requested to state whether any ~~what~~ action is being taken by them to undertake necessary legislation in the matter.

Z. P. 25
Desp. 2c
CRO 342 15.1

DD 23/8/49 Dr 23/8/49

Pub (Pol)
25/8/49

Food & Agri. No. D.O.
31506-G/49-2
25/8/49

Public Works Deptt.

5154
5 AUG 1949

The general question of extending the Acts etc in force in this Province to the merged States (including Sandur) is under ~~the~~ separate G of I address consideration in this Deptt. The decision that will be arrived at on that question will be communicated to all the Depts. of the Secrt. Food Deptt may be requested to remind this Deptt after 10 days. With their remarks the file may be returned to Food.

A. Pub (Pol)
5154/49-I
30.8.49

26.8.49. Cor 26.8.49 29/8/49

Food & Agri. G

DEPUTY SECRETARY
31 AUG 1949
36608
FOOD DEPARTMENT

To DS

Please see the notes of Pub (Pol) above. With reference to above, they may be reminded on 10.9.49. Fororders.

DD 1/9/49 Dr 1/9/49

1.9.49.

Food Agri. U.O No
31506 G/49-3.
12.9.49
5605
15/9/49
Pub (Poll)
5605/49-I
21-9-49

HODS

Food Agri

With reference to A on p 4 above Pub (Poll) Dept may be requested to state at what stage the matter now stands

AO
09-9-49
10.9.49

20/9
12/9/49

Public (Poll) Dept

Food Dept may be informed that ~~Question of extending~~ the ~~Acts etc in force in this Province to the states is still under consideration. They may with this information the file may be returned to them~~ it is proposed MR 15/9/49 to issue an ordinance for the extension of ~~the~~ Central and provincial laws to the merged states and that the question is under consideration in this Deptt. Food may be requested to remind this Deptt about 26 th ~~October~~ September.

A

Cue
16-9-49.

20/9/49

~~Food & Agri. G~~

HODS

Please see the notes of Pub (Pol) dept. above. With reference to A above that Dept. may be requested to state at what stage the matter now stands.

AO
9-9-49
Sen
26/9/49

20/9/49

Pub (Pol)

Pub (Poll) Dept

Food Agri. U.O No 31506G/49-4

ASSISTANT SECRETARY 27.9.49
5980/49
4 OCT 1949
CHIEF SECRETARIAT

Food & Agri Dept may be informed that the issue of the ordinance referred to above is still pending a reply from the Govt of India. MR 5/10/49

Cue
6.10.49.

India's reply has been received today.

7/10/49

The G o i have since intimated their decision to postpone the issue of an ordinance till ~~to-date~~ the ~~end of this month or the beginning of the next month~~. Food & Agn Dept. may be informed accordingly. A

12/10/49

14/10/49

Pub (Poll) 5980/49-1

Food & Agri. Dept.

DEPUTY SECRETARY 15 OCT 1949 4706 FOOD AND AGRICULTURE DEPARTMENT

10 DS

Please see the notes Public (Poll) Dept above ~~for~~ ~~Balance~~. that Dept. may be reminded again on 10.11.49 as to what decision Govt. of India have taken in the matter.

17 Govt

19.10.49

P.T.O.

SPECIAL.

Government of Madras.
Public (Political) Department.

8192

***

U.O.Note No.4675/49-17, dated the 18th October, 1949.

...

States - Merged States of Pudukkottai, Banganapalle and Sandur - Extension of Provincial laws by an Ordinance.

...

Under the provisions of the Extra Provincial Jurisdiction Act, XLVII of 1947, the Departments of the Secretariat extended to the merged States of Pudukkottai, Banganapalle and Sandur certain Central and Provincial laws which were considered to be necessary and urgent for administrative purposes in those areas. After the passing of the States merger (Governors Provinces) Order, 1949 the three merged areas mentioned above have to be treated as part of this province with effect from 1-8-49 and no law could therefore be extended to them under the Extra Provincial Jurisdiction Act on and from that date. As the laws which were applied to the merged States under the Extra-Provincial Jurisdiction Act, 1947 are, in law, distinct from those laws as applicable elsewhere, the Government of India propose to issue an Ordinance extending the more important Central Acts to those areas once again and they have asked the Provincial Government to issue a similar Ordinance etc. It is also proposed to include in these Ordinances the laws which have not yet been extended to the areas in question.

2. The Central Ordinance which was to have been promulgated on/...

on 1-9-49 has not yet been issued. According to present expectations, it is likely to be issued about the end of October or the beginning of November, 1949. The date of promulgation of the Central Ordinance and the Provincial Ordinance should be the same. As it is, necessary for this Government to adhere to the above date for the issue of the Provincial Ordinance, the Departments of the Secretariat (all sections) may be requested to send a list of the Provincial laws which remain to be extended to the merged areas and which could not be extended on or after 1-8-49 on account of the passing of the States' Merger (Governors' Provinces, Order, 1949. The schedule to the Provincial Ordinance will therefore contain all the provincial laws which have already been extended as well as laws which have yet to be extended and which will, under the aforesaid ordinance, be extended.

3. The Departments of the Secretariat may be requested to treat this reference as immediate and to send their replies so as to reach this Department on or before the 24th instant. If no reply is received by that date from any Department it will be presumed that that Department has no laws to suggest for inclusion in the Ordinance. A consolidated reply may be sent for each Department.

K. Ramunni Menon,
Chief Secretary to Government.

To All Departments of the Secretariat (all sections.,

Forwarded/By order

Superintendent.

Adk.19/10-
19/10

HODS.

Please see the U.O. note of Pub (Poll.) Dept. at pp. 7-8 above. That Dept. has asked for a list of the Provincial Laws which remain to be extended to the merged areas of Banganapalle, Pudukkottai and Sandur and which could not be extended on or after 1.8.49 on account of the passing of the States Merger (Governors Provinces) Order, 1949. for inclusion in the Schedule to the proposed Provincial Ordinance.

2. So far as the Madras Articles Control and Requisitioning (Temporary Powers) Act, 1946, (Madras Act XIV of 1946) is concerned, action was taken to extend the Act to the States of Banganapalle and Pudukkottai in the notifications issued with G.O.No. 1102-Food dated 6.12.48 and G.O.No. 779 Food dt. 17.8.49. The Act was also extended to the State of Sandur in the notification issued with G.O.No. 656 Food dt. 27.7.49. As this notification was published in the Fort St. George Gazette on 2.8.49 i.e. after 1.8.49, when the States Merger (Governors' Provinces) Order, 1949 came into force, it was cancelled in Memo No. 31506 G1/49-1 (Food) dt. 11.8.49. As suggested by Legal in their U.O. note at pp. 2 above. No action has been taken so far to re-issue this notification in view of the proposal to promulgate a Provincial Ordinance on the subject.

3. Now in view of the recent judgment of the High Court, that even bare power to extend the life of the Act, with or without modification is legislative power which cannot be delegated, an ordinance called the Madras Essential Articles Control and Requisitioning (Temporary Powers)

Ordinance 1949 (Ordinance VI of 1949) was promulgated on 8.10.49. Action is being taken separately to replace the Ordinance by an Act before the former expires.

4. As the Ordinance is deemed to have come into force on and from the 1st October, 1948, it seems it may have to be included in the list of Provincial laws which remain to be extended to the merged States. ~~[illegible]~~ With these remarks the file may be sent to Pub (Poll.) Dept. for necessary action. ~~[illegible]~~

5. As regards the Agricultural Acts etc., with which this Dept. is concerned, a further report may be sent separately after the particulars ~~[illegible]~~ become available from other sections.

22/10/49

22.X.49

24/10/49

D.S./Secy./Pub(Poll)

24/10/49

Public (Poll) department

The notes of Food & Agr on p.p-9-10 above may be perused. With reference to A above, it is submitted that there is no necessity to include the Ordinance in question in the schedule to be appended to the Provincial Ordinance to be issued shortly for the extension of Acts to the merged States — please see the extract of notes of Legal Dept. of the L.F.II.

28/10/49

28.10.49.

28/10/49

A

✓ sent. A p.

✗ Vide para 3, p. ante. (X) Since sent.

G

(FA 38)

Food & Agri. Dept. No. 31506 G/Pub/49-8

24/10/49

ASSISTANT SECRETARY TO THE GOVT. OF PUNJAB
6408
24 OCT 1949
CHIEF SECRETARY

Collect all connected files & keep them ready for discussion

24/10/49

L.F. II

In view of the Legal departments remarks extracted at (C) on the top file, no action is called for. This may be returned to Food & Agriculture.

A

30/10/49

31/10/49

Food & Agri. G.

TODS

The notes of this Dept at pp 9-10 above and the notes of Public (Poll.) Dept at pp 10-11 above may be perused. In view of A above, no further action seems necessary in this file. The papers may be dodged and added to (N).

Pub (Poll) u.o. no 6408/49-1 d 31/10/49 to list

AGRIC. & FISHERY 21 NOV 1949 50967 FOOD AND AGRICULTURE DEPARTMENT

AO

[The question of the application of the Madras Oil Cakes (Movement Control) Order, 1947 and the Madras Manure Dealers licensing Order, 1947 & Sanders is being considered separately in 'N' section.]

Through N section

Sec 4.11.49

Put up with papers

Put up
4/11/49

SPECIAL.

Government of Madras.
Public (Political) Department

***

U.O.Note No.4675/49-19 dated the 24th October, 1949.

...

Sub: States - Merged States of Pudukkottai, Banganapalle and Sandur - Extension of Provincial laws by an Ordinance.

Ref: U.O.Note No.4675/49-17, Public (Political) dated 18-10-1949.

...

For the last but one sentence of paragraph 1 of the U.O. note cited, the following shall be substituted:

"As the laws which were applied to the merged States under the Extra-Provincial Jurisdiction Act,1947 are, in law, distinct from those laws as applicable elsewhere, the Government of India propose to issue an Ordinance extending the more important Central Acts to those areas once again and they have asked the Provincial Government to issue a similar Ordinance with respect to Provincial laws, Regulations, Ordinances etc.".

K. Ramunni Menon,
Chief Secretary to Government.

To the Departments of the Secretariat (all sections.)

Forwarded/By order

Food & Agn G — Superintendent.

mdk.24/10-

Sir, I am directed to refer to your letter No. [illegible] dated [illegible] on the subject mentioned above and to say that the matter is under consideration of this Ministry. Necessary action will be taken in due course.

2. Receipt of this letter may please be acknowledged.

Yours faithfully,

[illegible]
Under Secretary to the Government of India

Pub.(Poll.)Deptt.

Extract from file C.No.54517.II/49-2 relating to the exte... of Provincial Acts to the merged States by an Ordinance.

...

xx xx xx

Legal Deptt.

In view of a recent High Court decision, the Madras ... tial Articles Control and Requisitioning (Temporary Pow... Act,1946 (Madras Act XIV of 1946) has to be considered ... longer in force, and the Madras Essential Articles Control ... Requisitioning (Temporary Powers) Ordin...nce, 1949 (Madras Ordinance VI of 1949) which was promulgated by H.E. the Governor on the 18th October 1949 is the law in force now ... that subject. By virtue of Article 3 of the States' ... (Governors' Provinces) Order, 1949, the Ordinance extends ... Sandur and other merged States also and no formal extension is necessary for the purpose. But so far as the Madras ... Cakes (Movement Control) Order, 1943 and the Madras ... Dealers Licencing Order,1947 are concerned for their application to Sandur necessary action will have to be taken under the relevant provisions of the Ordinance above referred to.

S.S.
29/10/49. (Sd.) ...
J.S.
29/10/49.

... U.O.No.13920/49-1.
d/29-10-49 (with two linked files.)